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EXAMINER

DURAN, ARTHUR D

ART UNIT PAPER NUMBER

3622

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/766,646	Applicant(s) KOHDA ET AL.	
	Examiner Arthur Duran	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3622

DETAILED ACTION

1. Claims 1-12, 14-26 have been examined.

Response to Amendment

2. The Amendment filed on 1/27/05 is sufficient to overcome the Hunt reference. An additional reference has been added to the 35 USC 103 rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-12, 14-26 are rejected under 35 U.S.C. §103(a) as being obvious over Hunt 6,223,215 (4/24/2001) [US f/d: 9/22/1998] (herein referred to as "Hunt") in view of Bezos (6,029,141) in view of Walker (5,794,207).

As per independent claim 1, Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all the elements and limitations of claim 1.

Hunt lacks explicit recitation of the phrase "information on a third party being able to supply additional information about said product from a first user. . . ."; however,

Art Unit: 3622

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document; and particularly col. 2, ll. 32-50; and col. 1, ll. 35-60) implicitly shows "information on a third party being able to supply additional information about said product from a first user. . . ." and it would have been obvious to modify and interpret the disclosure of Hunt cited above as implicitly showing "information on a third party being able to supply additional information about said product from a first user. . . .", because modification and interpretation of the cited disclosure of Hunt would have provided means of "*interactive network session tracking form inbound source to net sale. . . .*" (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that "*the 'seam' between the catalog subsystem and the purchase subsystem is eliminated.*" (See Hunt (col. 2, ll. 49-60)).

As per dependent claims 2-10, Hunt shows the method of claim 1 and subsequent base claims depending from claim 1.

Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all of the elements and limitations of claims 2-10; however,

Hunt lacks explicit recitation of some of the elements and limitations of claims 2-10.

"Official Notice" is taken that both the concepts and the advantages of all of the elements and limitations of claims 2-10, were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to

Art Unit: 3622

modify and interpret the disclosure of Hunt cited above as showing all of the elements and limitations of claims 2-10, because modification and interpretation of the cited disclosure of Hunt would have provided means of *“interactive network session tracking form inbound source to net sale. . . .”* (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that *“the ‘seam’ between the catalog subsystem and the purchase subsystem is eliminated.”* (See Hunt (col. 2, ll. 49-60)).

Independent claim 11 is rejected for substantially the same reasons as independent claim 1.

Independent claim 12 is rejected for substantially the same reasons as independent claim 1.

As per independent claim 13, Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all the elements and limitations of claim 13.

Hunt lacks explicit recitation of the phrase “prompting a user to select a desired product and vendor from which said user intends to purchase said product. . . .”; however, It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col.

Art Unit: 3622

8, ll. 1-15; and whole document) implicitly shows “prompting a user to select a desired product and vendor form which said user intends to purchase said product. . . .” and it would have been obvious to modify and interpret the disclosure of Hunt cited above as implicitly showing “prompting a user to select a desired product and vendor form which said user intends to purchase said product. . . .”, because modification and interpretation of the cited disclosure of Hunt would have provided means of “*interactive network session tracking form inbound source to net sale. . . .*” (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that “*the ‘seam’ between the catalog subsystem and the purchase subsystem is eliminated.*” (See Hunt (col. 2, ll. 49-60)).

Independent claim 14 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 15-20, Hunt shows the method of claim 14 and subsequent base claims depending from claim 14.

Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all of the elements and limitations of claims 15-20; however,

Hunt lacks explicit recitation of some of the elements and limitations of claims 15-20.

“Official Notice” is taken that both the concepts and the advantages of all of the elements and limitations of claims 15-20, were well known and expected in the art by one of ordinary skill at the time of the invention because, for example, it would have been obvious to

Art Unit: 3622

modify and interpret the disclosure of Hunt cited above as showing all of the elements and limitations of claims 15-20, because modification and interpretation of the cited disclosure of Hunt would have provided means of *“interactive network session tracking form inbound source to net sale. . . .”* (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that *“the ‘seam’ between the catalog) subsystem and the purchase subsystem is eliminated.”* (See Hunt (col. 2, ll. 49-60)).

Independent claim 21 is rejected for substantially the same reasons as independent claim 1.

Independent claim 22 is rejected for substantially the same reasons as independent claim 21.

Independent claim 23 is rejected for substantially the same reasons as independent claim 13.

As per dependent claims 24-26, Hunt shows the method of claim 23.

Hunt (the ABSTRACT; FIG. 1; through FIG. 10; col. 1, ll. 10-67; col. 2, ll. 1-67; col. 3, ll. 30-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-15; and whole document) implicitly shows all of the elements and limitations of claims 24-26; however,

Hunt lacks explicit recitation of some of the elements and limitations of claims 24-26.

Art Unit: 3622

"Official Notice" is taken that both the concepts and the advantages of all of the elements and limitations of claims 24-26, were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Hunt cited above as showing all of the elements and limitations of claims 24-26, because modification and interpretation of the cited disclosure of Hunt would have provided means of *"interactive network session tracking form inbound source to net sale. . . ."* (see Hunt (col. 2, ll. 5-15), based on the motivation to modify Hunt so that *"the 'seam' between the catalog subsystem and the purchase subsystem is eliminated."* (See Hunt (col. 2, ll. 49-60)).

Additionally, Hunt discloses purchasing (col 1, lines 47-51).

Bezos discloses that commissions can be utilized and also that the user can receive rewards or incentives:

"(35) Although the implementation described herein uses monetary commissions to compensate the associates for referrals, other forms of compensation can be used. For example, an associate (and/or the associate's customers) could be given a discount on products or services sold by the merchant" (col 7, lines 45-51).

Bezos discloses providing additional information on products of interest:

"(33) As described in detail below, the special hyperlinks (also referred to herein as "referral links") of the associate's catalog documents are provided in association with additional information (embedded in a pre-defined format within the associated URL) that is transmitted to

Art Unit: 3622

the merchant Web site 106 in response to selection of the link. In one implementation, this information includes a unique identifier of the associate (assigned upon enrollment) and a unique identifier of the selected product (such as the ISBN of a book). A computer program 144 of the merchant Web site 106 uses this information to identify the associate that was the source of the referral, and to credit the sale (referral) to the associate if the customer subsequently purchases the product (or group of products). (In other implementations, the crediting of the associate may occur without regard to whether the product is purchased.) Commission payments can then be paid to the associates on a periodic basis (such as once a month). In one implementation, the commission payments are made electronically, via the computer program 144, without the need for involvement by the merchant (col 7, lines 20-40);

(77) FIG. 8 illustrates an example of an HTML catalog document (Web page) 136 corresponding to the product detail page. After processing a referral URL, the merchant Web server 132 sends the detail page 136 to the customer's Web browser 112 to provide the customer with additional information about the selected product. The product detail page includes the merchant's information (price, standard description, etc.) about the selected product. The product detail page 136 is shown with the URL passed to the customer Web browser 112 from the merchant Web server" (col 14, line 61-col 15, line 5).

Bezos discloses a shopping cart that can hold products for prospective purchase, products from multiple different sources, and hold products over long terms:

"(76) The shopping cart stored in the shopping cart database 152 is maintained by the computer program 144 running at the merchant Web site 106 that monitors the open entries (non-closed shopping carts) in the shopping cart database 152. The shopping cart database 152

Art Unit: 3622

includes the customer ID, the date the shopping cart was opened (open date), and the date last accessed (touch date). The shopping cart database is monitored by the computer program 144 to purge all shopping carts that have been inactive (untouched) for a pre-defined period of time, such as one week (col 14, lines 51-61);

(15) In a preferred embodiment, the merchant site includes code that maintains a unified shopping cart data structure ("shopping cart") for each ongoing customer shopping session. For each ongoing shopping session, the shopping cart maintains a record of at least: (i) the products that are currently selected by the customer for prospective purchase, and (ii) the referral source (if any) of each such product. In one implementation, each shopping cart persists on the merchant site for an extended period of time (such as one week) following the most recent access by the customer, thereby allowing the customer to conduct extended shopping sessions. To purchase the products represented within the shopping cart, the customer proceeds to a "check out" area of the merchant site and submits an order. Software running on the merchant site then uses the information collected within the shopping cart to identify, and appropriately credit the account of, each associate that provided a corresponding referral" (col 2, lines 47-65).

Bezos discloses that the users can benefit from further information when investigating products for possible purchase and also links from the merchant to further product info:

"(7) One problem commonly encountered by online merchants is an inability to effectively market goods via their Web sites. Because the customer cannot physically inspect the products via the Web site, and typically cannot talk to a salesperson, it is desirable that the site provide access to product reviews, product ratings, and other information that can be relied on by the customer to make an informed decision. In many cases, however, the merchant lacks

Art Unit: 3622

the resources needed to generate or otherwise obtain such information, especially if the merchant sells a large and diverse selection of goods (col 1, lines 24-33);

(31) Preferably, this information includes editorial descriptions, reviews, and/or recommendations of the products that assist customers in making informed purchasing decisions (col 7, lines 1-5);

(34) In one implementation, the merchant Web site 106 comprises a product information database (not shown) that stores product pricing information. The computer program 144 of the merchant site 106 uses this pricing information to calculate the proper commission or referral payment (col 7, lines 40-45);

(62) Once the customer has linked to the merchant Web site 106, the customer can use the navigational controls of the Web browser 112 to return to the associate's Web site 100. In addition, the detail page and/or the shopping cart page may be provided with a hyperlink to allow the customer to return to the associate's Web site 100. Another alternative is for the associate Web site 100 to be created using an HTML frame format. The bottom frame can be designated as the target area frame for the merchant's Web site 106. The top frame can provide navigational controls for the customer to return to the associate's Web site 100 after selection of a particular product at the merchant's Web site 106. This allows the customer to maintain an associate's Web page frame while viewing and processing product purchases at the merchant's Web site 106" (col 12, lines 26-41).

Walker discloses multiple sellers interfacing with a buyer who is interested in particular products where the buyer may purchase products or services (Fig. 1; Fig. 2; Fig. 5) and that potential buyers can make product inquiries available to multiple, possible sellers (col 1, lines

Art Unit: 3622

59-65). Walker discloses that the buyer can provide minimal to maximal information on what he is interested in (col 18, line 65-col 19, line 5); gauging possible buyer interest (col 8, lines 35-41); and that the buyer can decide whether or not to bind offer(s) after receiving them (col 20, lines 5-30); and that information exchange on the item(s) of interest can occur (col 22, line 40-col 23, line 20).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Bezos' providing additional information on items that can be placed in shopping carts and Walker's allowing multiple parties present information on item(s) of interest to a user/purchaser to Hunt's utilization of a shopping cart for shopping involving multiple and varied items. One would have been motivated to do this in order to provide the user with relevant information on items of interest.

Response to Arguments

3. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 3622

a) Saxe (5,636,346) discloses Also, note that a major national advertiser has a collection of advertisements and also that when the TEA Directory system as noted in (col 3, lines 35-38) can directly fulfill subscriber requests for additional information from advertisers. Note that additional information from advertisers on an advertised product or good provided directly by the centralized TEA constitutes an advertisement collection at the TEA;

b) Hudetz (5,978,773) further discloses offering additional materials requested by the potential customer (col 10, lines 1-10; Fig. 4; Fig. 6).

c) Bergh (6,112,186) discloses providing information on items for possible purchase (col 27, line 45-col 28, line 47);

d) Von Kohorn (5,227,874) discloses the user entering items or categories of interest on which the user would like to receive more informationj (paragraph 207).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571) 272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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5/5/05